IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.235 OF 2000
WITH
CRIMINAL APPLICATION NO.3643 OF 2000

Mr Gopal Krishna Sengupta ...Applicant
v/s
The State of Maharashtra and ors. ...Respondents

None for Applicant (dead).
Ms A.T. Zhaveri, APP for Respondent No.1-State.
Mr Prakash Naik for Respondent No.2.

CORAM : K.U. CHANDIWAL J.

DATED : 02ND DECEMBER 2013.

P.C. :-

1. Heard Mr Naik for the respondent No.2. He has informed that revision applicant – Gopal K. Sengupta is no more, having expired on 16th March 2010. According to Mr Naik, the Death Certificate was produced by the learned Advocate General in miscellaneous application No.51 of 2002 pending before the Division Bench of this Court, to bring legal representative of said G.K. Sengupta on record.

2. Accepting above position, I find that the revision application will not survive. Even otherwise, going through the order dated 12th August 1997 of the learned Metropolitan Magistrate, it is seen that presence of accused referred therein was not imperative, though it was so insisted by Mr Sengupta, the learned Magistrate rejected the same. Another aspect is, there was confusion in the proceedings as to which order the revision applicant has questioned. This Court (Coram : J.A. Patil J.) on 19th October 2000 has recorded that the number of criminal case was 237/S/97 and the impugned order was passed by the learned Metropolitan Magistrate, 33rd Court, Bellard Pier, Mumbai wherein the revision applicant had moved an application on 18th October 1996 praying for cancellation of whole proceedings and seeking direction for a de novo trial which was rejected and against it, the applicant has filed present revision application. Considering the reasons assigned for rejection of even de novo trial application, I find that the order does not call

for any interference. Conspectus of above facts, including death of revision applicant, coupled with orders recorded in miscellaneous application No.51 of 2002 dated 23rd September 2002, the revision application lacks merit and it is accordingly dismissed.

3. Criminal application No.3643 of 2000 is being moved for taking action against the revision applicant. However, since the revision applicant is no more, the same is disposed off. Rule is discharged.

(K.U. CHANDIWAL J.)